



**State of New Hampshire**  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

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(603) 271-2457 FAX (603) 271-7894



Mr. Tim Kenahan  
Sheraton Wayfarer Inn  
121 River Road  
Bedford, New Hampshire 03110

LETTER OF DEFICIENCY  
WMB PBF 03-20  
June 9, 2003

Dear Mr. Kenahan

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On May 28, 2003, DES inspected the following public bathing facilities at the Sheraton Wayfarer Inn, in Bedford, NH: the indoor pool ("Indoor Pool") and spa ("Spa") and the outdoor pool ("Outdoor Pool").

During this inspection, the following deficiencies were noted

- Pursuant to Env-Ws 1103.15(e), the clarity of the pool water shall be such that the main drain is clearly visible at all times. The main drain / bottom of the Indoor Pool was not visible on May 28, 2003.
2. Env-Ws 1103.16(e) requires a free residual chlorine concentration between 2.0 mg/L and 5.0 mg/l in public spa water, with an absolute maximum of 10 mg/L chlorine. The chlorine concentration of the Spa water was approximately 28.0 mg/L on May 28, 2003. A recommendation to drain the Spa was issued on May 28, 2003.
  3. Env-Ws 1103.16(f) requires a pH between 7.0 and 7.8 in public spa water. The pH of the Spa water was 4.8 on May 28, 2003.
  4. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. The written records relative to the required testing of the Indoor Pool, Spa, and Outdoor Pool water were incomplete.
  5. Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Indoor Pool did not include a functioning flow meter.
  6. Env-Ws 1105.03(d)(2) requires spa filtration systems to include a flow meter. The filtration system for the Spa did not include a functioning flow meter.
  7. Pursuant to Env-Ws 1105.01(k)(8), suction outlets shall be provided with a cover that has been tested and approved by a nationally recognized testing laboratory. Flat grates under 10" diameter do not meet the requirements of ANSI/NSF Standard 50 or ASME/ANSI A112.19.8M ("Suction Fittings for use in Swimming Pools, Wading Pool, Spas, Hot Tubs, and Whirlpool Bath Applications"). The Outdoor Pool has a flat grate under 10" diameter.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

A copy of two weeks of water quality test results for all facilities (please do not send originals).

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2. The type, manufacture, and model of the flow meter(s) to be installed.
3. The type, manufacture, and model of the main drain cover to be installed.
4. A timetable of when:
  - a. the installation of the main drain cover will be completed; and
  - b. the installation of the flow meter(s) will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

**COPY**

Jody Connor  
Limnology Center Director

Certified Mail # 7000 1670 0000 0586 0028

cc: Mark Harbaugh, Enforcement Attorney, DES ✓  
Amy Wilson, Public Bathing Facility Coordinator, DES  
Wayne Richardson, Health Officer, Town of Bedford  
Tim Hartnett, Sheraton Wayfarer Inn

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